

[JOINT FILING — SEE SIGNATURE PAGE FOR LIST OF COUNSEL]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|--|---|--|
| eBay Inc. and Microsoft Corporation, |) | No. 4:10-cv-4947-CW (filed Nov. 2, 2010) |
| <i>Plaintiffs and Counterclaim-Defendants,</i> |) | JOINT STIPULATION AND PROPOSED |
| vs. |) | ORDER PERMITTING KELORA |
| Kelora Systems, LLC, |) | SYSTEMS, LLC, TO FILE A SINGLE |
| <i>Defendant and Counterclaim-Plaintiff.</i> |) | BRIEF REGARDING CLAIM |
| |) | CONSTRUCTION AND SUMMARY |
| |) | JUDGMENT OF NOT MORE THAN 60 |
| |) | PAGES NO LATER THAN OCTOBER 11, |
| |) | 2011 [Civil L.R. 6-2 & 7-12] |

| | | |
|--|---|---|
| Cabela's Inc., |) | No. 4:11-cv-1398-CW (filed Mar. 23, 2011) |
| <i>Plaintiff and Counterclaim-Defendant,</i> |) | (related case) |
| vs. |) | |
| Kelora Systems, LLC, |) | |
| <i>Defendant and Counterclaim-Plaintiff.</i> |) | |

Kelora Systems, LLC,

Plaintiff and Counterclaim-Defendant,

vs.

Target Corporation; OfficeMax Incorporated;
Rockler Companies, Inc.; 1-800-Flowers.com,
Inc.; Amazon.com, Inc.; Dell, Inc.; Office
Depot, Inc.; Newegg Inc.; Costco Wholesale
Corporation; Hewlett-Packard Company;
CircuitCity.com Inc.; Audible, Inc.; and
Zappos.com, Inc.,

Defendants and Counterclaim-Plaintiffs.

OfficeMax Incorporated,

Third-Party Plaintiff,

vs.

Adobe Systems Incorporated,

Third-Party Defendant.

No. 4:11-cv-1548-CW (filed Nov. 8, 2010)
(related case)

Nebraska Furniture Mart, Inc.,

Plaintiff and Counterclaim-Defendant,

vs.

Kelora Systems, LLC,

Defendant and Counterclaim-Plaintiff.

No. 4:11-cv-2284-CW (filed Feb. 3, 2011)
(related case)

JOINT STIPULATION

The parties agree that, in response to the single 60-page brief that Defendants filed on claim construction and summary judgment on September 15, 2011, in all four actions listed above, Kelora will file a single brief of not more than 60 pages in all four actions listed above, and the deadline for Kelora to file its brief shall be extended from Thursday, October 6, to Tuesday, October 11, 2011. Pursuant to Civil L.R. 6-2(a), this stipulated request to change time is accompanied by a declaration from counsel for Kelora, which is below.

1 Kelora also agrees that its brief filed on or before October 11 will not include any cross
2 motion.

3 These agreements do not affect any other deadlines in the four actions listed above, but the
4 parties agree to meet and confer after October 11 about the deadline and number of pages for
5 Defendants' reply brief, which is currently due on Thursday, October 27, 2011.

6
7 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

8
9 DATED: September 23, 2011

10
11 By: /s/ Shawn G. Hansen

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SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

_____/s/ Shawn G. Hansen

DECLARATION OF SHAWN G. HANSEN

I, Shawn G. Hansen, declare as follows:

1. I am a partner with the law firm of Manatt, Phelps and Phillips, counsel for Kelora Systems, LLC ("Kelora") in the above-captioned actions. The facts below are true and correct, within my own personal knowledge, including through my communications with my colleagues and my review of materials in my role as counsel in these actions. If called upon to do so, I could and would competently testify as to those facts.

2. This declaration is submitted in support of Kelora's requested relief herein.

3. Ray R. Larson was not disclosed in the initial disclosures of Newegg, Nebraska Furniture Mart, or Cabela's, was first disclosed to Kelora as a witness through the filing of the Accused Infringers' Single Joint Opening Brief on September 15, 2011, and thus Kelora has had no prior opportunity or reason to seek discovery from Mr. Larson;

4. On September 16, 2011, I emailed the Accused Infringers' counsel requesting that Mr. Larson and another witness who provided a declaration in support of the Accused Infringers' Single Joint Opening Brief be made available for deposition by September 27, 2011, nine days in advance of the current deadline for Kelora's Single Opening Brief, and which brief is to include Kelora's Opposition and any cross-motion.

5. Counsel for Nebraska Furniture Mart advised me by email on September 21, 2011, that Mr. Larson "will be out of the country through the end of next week, but he is available on Monday, October 3, in the afternoon (after 1:30 pm)." Thus, Mr. Larson is not available for deposition on his declaration until the afternoon of October 3, 2011, three days in advance of the current deadline for Kelora's Single Opening Brief;

6. Kelora believes that because Professor Larson is not available for deposition until October 3, 2011, Kelora may need additional time beyond the October 6, 2011 deadline to avoid prejudice in the preparation of Kelora's Single Opening Brief;

7. No other order changing time has been granted by this Court in these cases regarding

1 the parties' briefs regarding claim construction and summary judgment;

2 8. The only effect of granting the requested relief will be to extend by five days the date
3 by which Kelora must file its Single Opening Brief;

4 I declare under the pains and penalty of perjury, under the laws of California and the United
5 States, that the foregoing is true and correct. Executed this 23rd day of September, 2011 at Palo
6 Alto, California.

7
8 /s/ Shawn G. Hansen

Shawn G. Hansen

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT in response to the single 60-page brief that Defendants filed on claim construction and summary judgment on September 15, 2011, in all four actions listed above, Kelora shall file a single brief of not more than 60 pages in all four actions listed above, and the deadline for Kelora to file its brief shall be extended from Thursday, October 6, to Tuesday, October 11, 2011. The brief that Kelora files on or before October 11 shall not include any cross motion.

SO ORDERED.

Dated: 9/27/2011


CLAUDIA WILKEN
United States District Judge